

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
READING DIVISION**

In re:

CASE NO.: 24-13242-pmm

Jonathan Scott Presnell,

CHAPTER 13

Debtor.

/

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

USAA Federal Savings Bank (“Secured Creditor”), by and through its undersigned counsel, objects to confirmation of Debtor’s Chapter 13 Plan (at Docket Entry #16), and states as follows:

1. Jonathan Scott Presnell (“Debtor”), filed a Voluntary Petition pursuant to Chapter 13 of the Unitedf States Bankruptcy Code (“Code”) on September 12, 2024.
2. Secured Creditor holds a security interest in the Debtor’s personal property described as a Lincoln Navigator 2016 (VIN # 5LMJJ2JT8GEL03703), by virtue of a Note, Disclosure and Security Agreement – Nonnegotiable Promissory Note dated May 15, 2021. Said Contract secures a Note in the amount of \$ 32,200.00.
3. Secured Creditor has filed a Proof of Claim in this case on September 27, 2024, Claim No. 4-1.
4. The filed Proof of Claim shows the total amount owed of \$12,748.74 and arrears of \$17,600.00.
5. The Debtor filed an initial Chapter 13 Plan on October 21, 2024.
6. The Debtor’s Chapter 13 Plan does not provide for any treatment of USAA Federal Savings Bank’s secured claim.
7. The Debtor’s Chapter 13 Plan does not comply with the provisions of 11 U.S.C. §1325(a)(1) in that it does not provide adequate protection for Secured Creditor’s interest pursuant to 11 U.S.C. §361.

8. Secured Creditor reserves the right to present other and further grounds for objection at the hearing on confirmation of Debtor's Chapter 13 Plan.
9. Deny confirmation of the Debtor's Plan, unless it is amended to provide treatment of USAA Federal Savings Bank's secured claim in an amount not less than \$12,748.74.
10. The Plan does not appear feasible due to the failure to provide treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Date: 12/17/2024

/s/ Sherri R. Dicks
SHERRI R. DICKS, Esq.
Robertson, Anschutz, Schneid, Crane
& Partners, PLLC
Attorneys for Secured Creditor
PA Bar #90600
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
Telephone: 561-241-6901
Email: sdicks@raslg.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 17, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

Jonathan Scott Presnell
61 Highland Avenue
Ephrata, PA 17522

David W. Tidd
David W. Tidd, Esquire
200 Spring Ridge Drive, Suite 100
Wyomissing, PA 19610

Scott F. Waterman
Chapter 13 Trustee
2901 St. Lawrence Ave., Suite 100
Reading, PA 19606

United States Trustee
Office of United States Trustee
Robert N.C. Nix Federal Building
900 Market Street, Suite 320
Philadelphia, PA 19107

/s/ Sherri R. Dicks
SHERRI R. DICKS, Esq.
Robertson, Anschutz, Schneid, Crane
& Partners, PLLC
Attorneys for Secured Creditor
PA Bar #90600
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
Telephone: 561-241-6901
Email: sdicks@raslg.com